

# Exhibit A

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

- - -

STEPHEN MIDDLEBROOKS : CIVIL DOCKET FOR CASE  
: NO. 17-0412

-VS- :

TEVA PHARMACEUTICALS USA, :  
INC AND TEVA PHARMACEUTICAL  
INDUSTRIES LIMITED

- - -

PHILADELPHIA, PA

NOVEMBER 14, 2018

BEFORE HONORABLE JUDGE MARK A. KEARNEY

JURY TRIAL

APPEARANCES:

FOR THE PLAINTIFF: CONSOLE MATTIACCI LAW, LLC  
BY: LAURA MATTIACCI, ESQ.  
AND KEVIN C. CONSOLE, ESQ.  
1525 LOCUST STREET, 9TH FLOOR  
PHILADELPHIA, PA 19102

FOR THE DEFENDANTS: STEVENS & LEE  
BY: LARRY J. RAPPOPORT, ESQ.  
AND JENNIFER A. ERMILIO, ESQ.  
1818 MARKET STREET, 29TH FLOOR  
PHILADELPHIA, PA 19103

LYNN MCCLOSKEY, RPR  
OFFICIAL COURT REPORTER  
1234 US COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106  
(856) 649-4774

1 THE COURT: YES --

2 MS. MATTIACCI: THANK YOU.

3 THE COURT: -- AS LONG AS YOU GET THE  
4 INFORMATION FROM THE WITNESS BEFORE YOU PUT IT ON THE  
5 BOARD.

6 MS. MATTIACCI: ABSOLUTELY.

7 BY MS. MATTIACCI:

8 Q. OKAY. SO, MR. MIDDLEBROOKS, YOU SAID YOUR TOTAL  
9 COMPENSATION WAS APPROXIMATELY \$300,000 A YEAR --

10 A. YES.

11 Q. -- WHEN YOU WERE WORKING AT TEVA. WHAT WAS YOUR  
12 BASE PAY?

13 A. SOMEWHERE AROUND 190 -- 192,000, I THINK, WAS  
14 THE NUMBER.

15 Q. AND WERE YOU -- DID YOU NORMALLY RECEIVE BONUSES  
16 WHEN YOU WERE THERE?

17 A. SO I RECEIVED A BONUS OF 30 PERCENT OF THAT BASE  
18 PAY.

19 Q. DID YOU RECEIVE OTHER COMPENSATION?

20 A. YES. IT WAS EQUITY, WHICH, AGAIN, EQUITY IS NOT  
21 CONSTANT EVERY YEAR. IT DEPENDS ON THE COMPANY AND HOW  
22 WELL THE COMPANY IS DOING. BUT ON AVERAGE, IT WAS ABOUT  
23 \$50,000 WORTH OF EQUITY A YEAR.

24 Q. AT TEVA DID YOU ALSO RECEIVE HEALTH INSURANCE  
25 BENEFITS?

1 A. YES.

2 Q. CAN YOU DESCRIBE FOR THE JURY WHAT THOSE  
3 BENEFITS INCLUDED AND WHAT THEY COST YOU?

4 A. TEVA HAS ACTUALLY AN EXCELLENT HEALTH INSURANCE  
5 POLICY, AS WE ARE A HEALTH INSURANCE COMPANY -- YOU  
6 KNOW, A HEALTH PROVIDER. THE COSTS WERE, I THINK, A  
7 COUPLE OF HUNDRED DOLLARS, \$250 A MONTH FOR MY  
8 CONTRIBUTION. AND, YOU KNOW, I DON'T HAVE ALL OF THAT  
9 INFORMATION SITTING IN FRONT OF ME, BUT IT WAS -- IT WAS  
10 PRETTY -- PRETTY GOOD INSURANCE COVERAGE.

11 THE BEST PART FOR ME WAS THE FACT THAT  
12 ALL GENERIC DRUGS, REGARDLESS OF WHETHER TEVA MADE THEM  
13 OR NOT, WERE FREE TO THE EMPLOYEES. SO THAT'S A HUGE --  
14 IT WAS A HUGE BENEFIT, ESPECIALLY BRINGING UP A FAMILY  
15 AND THE COST FOR PRESCRIPTION DRUGS.

16 Q. HOW ABOUT A RETIREMENT PLAN? DID THEY HAVE A  
17 RETIREMENT PLAN?

18 A. YES. THEY HAD A 401(K) PLAN THAT MATCHED  
19 10 PERCENT. SO IF I PUT IN 10 PERCENT OF MY SALARY,  
20 THEY PUT IN 10 PERCENT OF MY SALARY. AND THAT WAS  
21 INCLUDING THE SALARY AND THE BONUS. SO IT WAS  
22 10 PERCENT PUT INTO A 401(K) OF THOSE TWO NUMBERS  
23 COMBINED.

24 Q. WOULD YOU TYPICALLY RECEIVE INCREASES IN YOUR  
25 PAY EVERY YEAR AT TEVA?

1       A.           YES.    THERE WERE MERIT INCREASES.    AND THE  
2       AVERAGE, I THINK, OVER THE TIME THAT I WAS THERE WAS A  
3       4 PERCENT MERIT INCREASE PER YEAR.

4       Q.           NOW, WHEN YOU WERE FIRED FROM TEVA, DID YOU TRY  
5       TO FIND ANOTHER JOB?

6       A.           ABSOLUTELY.

7       Q.           CAN YOU TELL THE MEMBERS OF THE JURY ABOUT YOUR  
8       JOB SEARCH IN FINDING ANOTHER JOB?

9       A.           CERTAINLY.    AFTER GETTING THE NEWS OF BEING  
10      TERMINATED, I WAS PRETTY DEVASTATED.    I WAS UPSET.    AND  
11      TYPICALLY FOR ME, I NEED TO DO SOMETHING.    I -- WHEN --  
12      WHEN SOMETHING LIKE THAT HAPPENS, I CAN'T JUST SIT  
13      THERE.    I HAVE TO GO DO SOMETHING.    SO UPON GETTING HOME  
14      THAT NIGHT, I CLEARED OFF MY DINING ROOM TABLE, AND I  
15      SET UP MY COMPUTER.    I GOT SOME FILES OUT.    I TOOK OUT  
16      ALL MY OLD CARDS FROM PEOPLE THAT I HAD NETWORKED WITH,  
17      AND I BEGAN TO SEARCH.    AND I THINK THAT NIGHT I STAYED  
18      UP UNTIL ABOUT 2:00 IN THE MORNING GETTING THINGS READY.  
19      AND I ATTACKED IT AS IF IT WAS A FULL-TIME JOB.

20                   THE NEXT MORNING, I GOT UP, GOT MYSELF A  
21      CUP OF COFFEE, SAT DOWN AT THE COMPUTER AND BEGAN DOING  
22      JOB SEARCHES ON THE INTERNET, MAKING PHONE CALLS TO  
23      PEOPLE, NETWORKING, CONNECTING WITH A VARIETY OF PEOPLE  
24      THAT I HAD WORKED WITH OVER THE PAST 37 YEARS, TRYING TO  
25      ARRANGE INTERVIEWS, TRYING TO, YOU KNOW, LET THEM KNOW

1        THAT I WAS IN THE JOB MARKET, TRYING TO COME UP WITH  
2        ANYTHING I COULD TO MOVE MYSELF FORWARD. AND I  
3        CONTINUED THAT ALL THE WAY THROUGH UNTIL I FINALLY GOT A  
4        JOB OFFER IN AUGUST OF THAT YEAR.

5        Q.            SO AUGUST OF 2016?

6        A.            YES.

7        Q.            BETWEEN THE TIME YOU WERE TERMINATED IN FEBRUARY  
8        OF 2016 AND AUGUST OF 2016, HOW MANY RÉSUMÉS DO YOU  
9        THINK YOU SENT OUT?

10      A.            RÉSUMÉS SENT OUT? THOUSANDS. THE INTERNET  
11      ALLOWS YOU TO DO THAT THESE DAYS. I SENT OUT PROBABLY  
12      100 COVER LETTERS TO JOBS THAT WERE MORE TARGETED AND,  
13      AGAIN, THROUGH NETWORKING, TRIED TO -- TRIED TO MAKE  
14      CONTACTS. AND I CONTACTED QUITE A FEW HEADHUNTERS AND  
15      THROUGH LINKEDIN BEGAN TO MAKE CONTACTS WITH POTENTIAL  
16      COMPANIES THAT WERE LOOKING FOR -- YOU KNOW, LOOKING TO  
17      HIRE.

18      Q.            HOW MANY INTERVIEWS DID YOU GET AS A RESULT OF  
19      SENDING THOSE RÉSUMÉS OUT?

20      A.            I GOT A SERIES OF PHONE INTERVIEWS, MAYBE TWO  
21      DOZEN OVER THAT PERIOD OF TIME. AND THEN FOLLOW-UP  
22      IN-PERSON INTERVIEWS, MUCH LESS THAN THAT, MAYBE EIGHT,  
23      TEN.

24      Q.            HOW OLD WERE YOU AT THIS TIME?

25      A.            I WAS --

1 Q. 59?

2 A. -- 58, 59, YEAH, DEPENDING ON WAS IT BEFORE JULY  
3 OR AFTER JULY. SO, YEAH.

4 Q. OKAY. BETWEEN -- OR STRADDLING 58 AND 59.

5 DID YOU TAKE THE FIRST JOB THAT WAS  
6 OFFERED TO YOU?

7 A. YES, I DID.

8 Q. WHERE? WHO WAS THAT WITH?

9 A. SO IT WAS A STARTUP COMPANY CALL WUXI APPTEC.  
10 IT WAS A CHINESE AFFILIATE, A CHINESE COMPANY, DOWN AT  
11 THE NAVY YARD IN PHILADELPHIA. THEY ARE A  
12 PHARMACEUTICAL COMPANY THAT WAS JUST STARTING HERE IN  
13 THE U.S.

14 Q. WHAT WAS YOUR POSITION AT WUXI APPTEC?

15 A. I WAS THE DIRECTOR OF FACILITIES FOR THEM. THEY  
16 HAD TWO BUILDINGS WHEN I STARTED, AND WE WERE BEGINNING  
17 TO BUILD A THIRD BUILDING DOWN AT THE NAVY YARD. SO MY  
18 RESPONSIBILITY, AGAIN, WAS FOR MAINTENANCE OF THE  
19 BUILDINGS. AND MAINTENANCE FOLKS REPORTED TO ME. AND  
20 WE HAD A SMALL ENGINEERING GROUP THAT WAS DOING THE  
21 DESIGN AND CONSTRUCTION OF THE THIRD BUILDING.

22 Q. WAS WUXI A FOREIGN CORPORATION?

23 A. YES.

24 Q. WHERE WERE THEY BASED OUT OF?

25 A. CHINA.

1 Q. HOW LONG DID YOU WORK THERE FOR?

2 A. JUST OVER A YEAR.

3 Q. WHAT WERE YOU MAKING DURING THAT YEAR?

4 A. MY SALARY THERE WAS \$150,000 A YEAR.

5 Q. DID YOU -- WERE YOU ELIGIBLE FOR A BONUS?

6 A. YES, I WAS, AT A 20 PERCENT LEVEL.

7 Q. DID YOU RECEIVE A BONUS?

8 A. YES, I DID THE FIRST YEAR, BUT IT WAS PRORATED

9 BECAUSE I HAD ONLY BEEN THERE FOR FOUR MONTHS. SO I GOT

10 4/12THS OF THAT 20 PERCENT BONUS, YES.

11 Q. AND HOW ABOUT EQUITY? WAS THERE ANY EQUITY?

12 A. NO EQUITY.

13 Q. HOW ABOUT THEIR HEALTH INSURANCE PLAN?

14 A. NOT TO BE DISRESPECTFUL, BUT IT WAS A PRETTY

15 POOR PLAN. IT WAS EXPENSIVE AND REALLY DIDN'T COVER A

16 WHOLE LOT.

17 Q. DID IT COST MORE MONEY TO YOU?

18 A. YES, IT DID.

19 Q. CAN YOU APPROXIMATE HOW MUCH?

20 A. AGAIN, WITHOUT LOOKING AT MY NOTES AND THINGS,

21 PROBABLY 5- OR \$10,000 A YEAR MORE.

22 Q. HOW ABOUT A 401(K) FUND OR A RETIREMENT PLAN?

23 A. THEY DID HAVE A 401(K) FUND, BUT THEY ONLY

24 MATCHED 3 PERCENT INSTEAD OF 10 PERCENT.

25 Q. AND YOU WEREN'T THERE LONG ENOUGH, I GUESS, TO



1 RECEIVE A MERIT INCREASE?

2 A. I DID RECEIVE A MERIT INCREASE AT THE END OF  
3 FOUR MONTHS, BUT, AGAIN, IT WAS PRORATED AS ONLY A THIRD  
4 OF WHAT I NORMALLY WOULD GET. BUT THE AVERAGE THERE WAS  
5 ABOUT 3 PERCENT.

6 Q. SO YOU WERE MAKING ALMOST HALF OF WHAT YOU WERE  
7 MAKING AT TEVA WHEN YOU WERE AT WUXI?

8 A. PRETTY MUCH, YES.

9 Q. OKAY. SO YOU HAVE INDICATED THAT YOU LEFT THERE  
10 IN AUGUST OR SEPTEMBER OF 2017?

11 A. YES.

12 Q. WHY WAS THAT?

13 A. WELL, VERY MUCH LIKE WITH TEVA. I RECEIVED A  
14 PHONE CALL FROM A RECRUITER THAT SAID THAT THEY HAD --  
15 AN OPENING HAD JUST OCCURRED AT A PHARMACEUTICAL COMPANY  
16 FOR A DIRECTOR OF FACILITIES, AND THEY HAD MY RÉSUMÉ  
17 FROM WHEN I HAD SENT IT OUT A YEAR AGO. THEY WERE VERY  
18 INTERESTED IN ME, AND THEY WANTED ME TO INTERVIEW.  
19 AGAIN, I WAS NOT -- AT THIS POINT, I WAS STILL ACTIVELY  
20 LOOKING, BUT I DID NOT -- I DID NOT SEEK THIS POSITION.  
21 THEY CONTACTED ME.

22 Q. OKAY. AND WHERE WAS THAT POSITION?

23 A. IT'S WHERE I AM WORKING RIGHT NOW. THE COMPANY  
24 IS THE JLL CORPORATION, JONES LANG LASALLE. LET'S STICK  
25 WITH JLL.

1 Q. OKAY. AND WHAT IS YOUR BASE PAY AT JLL?

2 A. I BELIEVE IT'S 192,000.

3 Q. ARE YOU ELIGIBLE FOR A BONUS?

4 A. YES, AT 20 PERCENT.

5 Q. HOW ABOUT ANY EQUITY?

6 A. NO EQUITY.

7 Q. HEALTH INSURANCE AND 401(K)?

8 A. THERE IS HEALTH INSURANCE, AGAIN, BUT MUCH MORE  
9 EXPENSIVE THAN WHAT I HAD AT TEVA. DEDUCTIBLES ARE MUCH  
10 HIGHER, AND THE COST IS PROBABLY DOUBLE FROM WHAT I HAD  
11 AT TEVA.

12 Q. DO YOU BELIEVE THE LOSS IS ABOUT -- OR THE COST  
13 TO YOU IS ABOUT 5- TO 10,000 A YEAR?

14 A. PROBABLY MORE THAN THAT AT JLL. IT'S PROBABLY  
15 10- TO 15,000.

16 Q. AND WHAT ABOUT THEIR 401(K)?

17 A. 401(K), THEY MATCH 3 PERCENT AFTER THE FIRST  
18 YEAR. SO THE FIRST 12 MONTHS I WORKED THERE, I GOT NO  
19 401(K) MATCH AND JUST RECENTLY STARTED RECEIVING THE  
20 3 PERCENT MATCH.

21 Q. DO YOU KNOW WHAT THEIR MERIT INCREASE POLICY IS?

22 A. YES. I WENT THROUGH THAT AT THE END OF THE  
23 YEAR, AND WE ARE LOOKING AT 3 PERCENT AS PROBABLY A  
24 NORM.

25 Q. SO FOR THE FIRST TIME PERIOD THAT YOU WERE OUT

1 OF WORK ENTIRELY AND THEN FOR THE NEXT TIME PERIOD IN  
2 WHICH YOU WERE MAKING ABOUT HALF OF WHAT YOU WERE MAKING  
3 AT TEVA, HOW DID YOU MAKE DO IN TERMS OF MEETING THE  
4 LIFESTYLE EXPENSES THAT YOU HAD?

5 A. WELL, CERTAINLY IN THE FIRST SIX MONTHS, BEING  
6 OUT OF WORK WITH NO PAYCHECK COMING IN, MY WIFE AND I,  
7 WE DUG INTO OUR RETIREMENT SAVINGS TO MAKE ENDS MEET.

8 Q. HOW LONG DO YOU PLAN TO WORK FOR?

9 A. I AM LOOKING TO WORK UNTIL ABOUT 68, SO ANOTHER  
10 SIX YEARS, IS THAT RIGHT? SIX YEARS, SEVEN YEARS.

11 Q. WAS THAT YOUR PLAN WHEN YOU WERE AT TEVA?

12 A. MY GOAL AT TEVA WAS TO MAKE IT TO 2025. THAT  
13 WOULD HAVE BEEN MY 25TH ANNIVERSARY WITH THE COMPANY,  
14 WHICH IS IN THAT BALLPARK. I AM PROBABLY GOING TO HAVE  
15 TO WORK LONGER NOW TO END UP IN THE SAME LOCATION, SAME  
16 PLACE. SO MY GOAL AT TEVA, AGAIN, WAS -- I EVEN STARTED  
17 TO MAKE PLANS FOR RETIREMENT IN 2025, AT MY 25TH  
18 ANNIVERSARY WITH THE COMPANY.

19 Q. SO GOING FORWARD, IF YOU COMPARE YOUR TOTAL  
20 COMPENSATION PACKAGE AT JLL CORP. TO WHAT YOU WERE  
21 MAKING AT TEVA, APPROXIMATELY WHAT IS THE LOSS TO YOU  
22 PER YEAR?

23 A. OBVIOUSLY, THE FIRST YEAR WAS THE GREATEST  
24 BECAUSE I HAD NO INCOME COMING IN. THEN THE NEXT YEAR  
25 AT WUXI WOULD BE DIFFERENT, YOU KNOW, THE NEXT LARGEST.

1 DAY OF THE MONTH. IT'S JUST PUNITIVE.

2 YOU CAN ALWAYS WAIT UNTIL THE NEXT DAY.

3 IN THIS PARTICULAR CASE, I WAS LET GO ON THE LAST DAY OF  
4 THE MONTH. MY FAMILY DIDN'T HAVE INSURANCE.

5 Q. HOW OLD WERE YOUR KIDS AT THIS TIME?

6 A. EARLY 20S.

7 Q. AND WERE THEY ON YOUR INSURANCE?

8 A. YES.

9 Q. DID YOU SUFFER ANY PHYSICAL AFFECTS FROM THE  
10 TERMINATION AND THE UNEMPLOYMENT?

11 A. WELL, IT WAS VERY STRESSFUL TIME FOR ME. FIRST  
12 TIME THAT I HAD NOT HAD A PAYCHECK. AND THE PROCESS OF  
13 FINDING A JOB IS LIKE A ROLLER COASTER. SOME DAYS YOU  
14 ARE ALL EXCITED, YOU FIND A NEW JOB, YOU PUT IN THE  
15 PAPERWORK, OR YOU GET AN INTERVIEW AND IT'S, YOU KNOW,  
16 GREAT. AND THE NEXT DAY YOU GET REJECTED FROM TEN JOBS.  
17 IT'S HORRIBLE. SO IT WAS A DIFFICULT TIME.

18 MS. MATTIACCI: I DON'T HAVE ANY FURTHER  
19 QUESTIONS, YOUR HONOR.

20 THE COURT: THANK YOU VERY MUCH. SIR, IF  
21 YOU WOULD LIKE TO STAND UP, WE ARE GOING TO GO TO  
22 CROSS-EXAMINATION. IF YOU WANT TO STRETCH YOUR LEGS  
23 WHILE MR. RAPPOPORT GETS HIMSELF PREPARED -- READY.

24 MR. RAPPOPORT: I AM GOING TO MOVE TO  
25 THINGS AROUND.

1 A. NOTHING WAS DONE.

2 Q. OKAY. AND YOU WERE LET GO ON THE 29TH AND YOU  
3 DESCRIBED THAT DAY.

4 A. YES.

5 Q. OKAY. SO AS I UNDERSTOOD IT, YOUR GROUP COMES  
6 IN, YOU ARE VERY UPSET, THEY HELP YOU WITH YOUR  
7 BELONGINGS, AND THEN BECAUSE OF YOUR DETERMINATION AND  
8 GRIT, YOU GO HOME THAT VERY NIGHT AND BEGIN PLANNING THE  
9 NEXT STAGES OF YOUR LIFE?

10 A. YES.

11 Q. OKAY. DO YOU BELIEVE IN THERAPY?

12 MS. MATTIACCI: OBJECTION, YOUR HONOR.

13 THE COURT: MAYBE LEAD INTO IT, WHAT THAT  
14 IS REFERRED TO. THERE IS NO CLAIM HERE FOR COST.

15 MR. RAPPOPORT: THERE IS CLAIM FOR  
16 EMOTIONAL DISTRESS, MENTAL ANGUISH, NONECONOMIC  
17 COMPENSATORY DAMAGES.

18 THE COURT: OKAY. OVERRULED.

19 MR. RAPPOPORT: OVER --

20 THE COURT: THE OBJECTION IS OVERRULED.

21 I WILL LET YOU GO A LITTLE BIT AND SEE WHERE YOU'RE  
22 GOING.

23 BY MR. RAPPOPORT:

24 Q. DO YOU BELIEVE IN THERAPY?

25 A. I BELIEVE IN CERTAIN TYPES OF THERAPY, YES.

1 Q. DO YOU BELIEVE IN COUNSELING?

2 A. YES.

3 Q. DID YOU SEEK THERAPY OR COUNSELING AFTER YOU  
4 WERE TERMINATED ON FEBRUARY 29TH?

5 A. I DID NOT.

6 Q. DO YOU SEE A DOCTOR?

7 A. JUST FOR REGULAR CHECKUPS AND THINGS. NOT  
8 FOR --

9 Q. DID YOU UTILIZE ANY PRESCRIPTION OR  
10 NONPRESCRIPTION DRUGS TO GET YOU THROUGH THIS TOUGH  
11 TIME?

12 A. NO.

13 Q. AND DID YOU HAVE FAMILY SUPPORT?

14 A. YES.

15 Q. OKAY. AND I THINK YOU DESCRIBED IT WAS A  
16 FULL-TIME JOB FOR YOU TO GET A FULL-TIME JOB?

17 A. PRETTY MUCH, YES.

18 Q. AND THAT YOU SUCCEEDED FINALLY IN AUGUST WHEN AN  
19 OFFER WAS MADE TO YOU?

20 A. YES.

21 Q. AND WHEN COUNSEL TRIED TO EXPLAIN WHAT YOUR  
22 LOSSES WERE, YOU USED A NUMBER OF \$300,000. IS THAT  
23 KIND OF JUST A ROUGH ESTIMATE?

24 A. IT WAS AN AVERAGE OF THE LAST THREE YEARS OF  
25 TEVA. IT TOOK INTO ACCOUNT SALARY, BONUS, AND THE